

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1 and 21 have been amended. Claims 1, 3-6, and 17-21 are pending and under consideration.

I. Interview

Appreciation is expressed to the Examiner for the telephone interview granted by the Examiner on January 28, 2009. During the interview, the differences between claim 1 of the instant application and U.S. Patent No. 6,782,266 (Lipovski et al.) were discussed. Accordingly, Applicants have submitted the following amendments and remarks in accordance with this discussion. Other points raised during the interview are also included in the comments below.

II. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 2-5, claims 1, 3-6, 17, and 21 were rejected under 35 USC § 103(a) as unpatentable over Lipovski et al. (U.S. Patent No. 6,782,266) and further in view of Edstam (U.S. Patent No. 6,718,175) and admitted prior art.

Lipovski et al., Edstam, and the admitted prior art, alone or in combination, do not discuss or suggest:

a detection unit configured to receive light waves and to detect whether the portable communication apparatus is present in any of a non-restricted area that includes a first illumination source that emits a light wave having a first flicker frequency, a warning area that includes a second illumination source that emits a light wave having a second flicker frequency, and a prohibited area adjacent to the warning area that includes a third illumination source that emits a light wave having a third flicker frequency;

and

a notification unit that notifies a user of the portable communication apparatus with a notification when the detection unit detects the light wave having the second flicker frequency, the notification indicating that the portable communication apparatus is present in the warning area,

as recited in claim 1. In other words, the invention of claim 1 provides a detection unit for detecting the portable communication apparatus in any of three distinct communication areas, including a non-restricted area that includes a first illumination source that emits a light wave having a first flicker frequency, a warning area that includes a second illumination source that

emits a light wave having a second flicker frequency, and a prohibited area adjacent to the warning area that includes a third illumination source that emits a light wave having a third flicker frequency, based on the reception of a light wave having one of those three flicker frequencies. Furthermore, claim 1 provides a notification unit for notifying a user of the apparatus of the presence of the apparatus within the warning area that is adjacent to the prohibited area. These features of claim 1 are not taught by Lipovski et al. Lipovski et al. discloses only a single restricted area (restricted area 103 in Fig. 1) and a single control signal 102. Lipovski may disclose multiple transmitters 100, 105, and 106, but Lipovski does not disclose that each transmitter emits a different control signal. Furthermore, Lipovski only emits a control signal for a restricted area 103 and does not disclose a control signal for a non-restricted area and a warning area. Furthermore, Lipovski, at col. 9, lines 5-26, discloses notifying the sender of a message that the user is in a restricted zone. Lipovski does not disclose notifying the user himself. The disclosure "another optional part of the apparatus can include a vibrator or other non-objectionable indicator that is automatically enabled instead of the objectionable audio sound" merely means that instead of muting the objectionable audio sound (such as a ringer), as described in a previous embodiment of Lipovski, a vibrator or less objectionable indicator may be used in place of the ringer. This does not correspond to the claimed notification unit for notifying a user of the apparatus of the presence of the apparatus within the warning area that is adjacent to the prohibited area. Edstam and the admitted prior art fail to make up for these deficiencies in Lipovski et al.

Since Lipovski et al., Edstam, and the admitted prior art, alone or in combination, do not discuss or suggest all of the features of claim 1, claim 1 patentably distinguishes over the cited prior art. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

Claims 3-6 and 17 depend either directly or indirectly from independent claim 1, and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 3-6 and 17 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

As discussed above, the combination of Lipovski et al., Edstam, and the admitted prior art does not discuss or suggest:

receiving a light wave and detecting whether the portable communication apparatus is present in any of a non-restricted area that includes a first illumination source that emits a light wave having a first flicker frequency, a warning area that includes a second illumination source that emits a light wave having a second

flicker frequency, and a prohibited area adjacent to the warning area that includes a third illumination source that emits a light wave having a third flicker frequency;

and

notifying a user of the portable communication apparatus with a notification when the detecting detects the light wave having the second flicker frequency, the notification indicating that the portable communication apparatus is present in the warning area,

as recited in claim 21, so that claim 21 patentably distinguishes over the cited prior art.

Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

In the Office Action, at pages 6-7, claims 18-19 were rejected under 35 USC § 103(a) as being unpatentable over Lipovski et al., Edstam, and AAPA and further in view of Baer et al. (U.S. Patent No. 6,782,266).

Baer et al. fails to make up for the deficiencies in the combination of Lipovski et al., Edstam, and AAPA discussed above with respect to claim 1, so that claim 1 patentably distinguishes over Lipovski et al., Edstam, AAPA, and Baer et al.

Claims 18-19 depend either directly or indirectly from independent claim 1, and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 18-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at pages 7-8, claim 20 was all rejected under 35 USC § 103(a) as being unpatentable over Lipovski et al., Edstam, and AAPA and further in view of Vannel et al. (U.S. Patent No. 6,760,605).

Vannel et al. fails to make up for the deficiencies in the combination of Lipovski et al., Fujii, and AAPA discussed above with respect to claim 1, so that claim 1 patentably distinguishes over Lipovski et al., Edstam, AAPA, and Vannel et al.

Claim 20 depends from independent claim 1, and includes all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claim 20 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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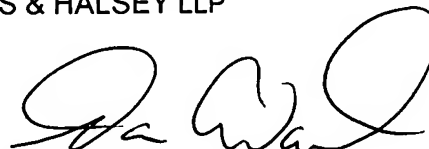
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 2-2-09

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